

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION VACATING A PORTION OF PUBLIC UTILITY EASEMENT (P.U.E.)
AND OFFER OF ROAD DEDICATION FOR TRACT NO. 1939 AS CREATED BY
TRACT 2221 BY SUMMARY VACATION IN THE COMMUNITY OF ARROYO GRANDE,
SUPERVISORIAL DISTRICT NO. 4**

The following resolution is now offered and read:

WHEREAS, a certain 50' wide Public Utility Easement (P.U.E.) and a 50' wide offer of road dedication for Tract No. 1939 were created by Tract No. 2221, recorded July 17, 2000 in Book 19 of Maps, Page 27, in the office of the Clerk-Recorder of the County of San Luis Obispo, State of California; and

WHEREAS, a portion of the described 50' wide Public Utility Easement (P.U.E.) and the 50' wide offer of road dedication for Tract No. 1939 as further described in Attachment "A" (hereafter, the "Subject Area") was created to serve as a fire and emergency turn-around, is not a County maintained road, and has otherwise been superseded by relocation due to the realignment created by the 50' wide Public Utility Easement (P.U.E.) and the 50' wide offer of road dedication created by Tract No. 1939, "West Hampton Estates," recorded March 11, 2002, Document No. 2002-019208, in Book 19 of Maps, Page 97, in the office of the Clerk-Recorder of the County of San Luis Obispo, State of California; and

WHEREAS, this summary vacation is made pursuant to California Streets and Highways Code Section 8330, et seq.; and

WHEREAS, pursuant to California Government Code Section 65402, determined that the Subject Area is appropriate for summary vacation without a general plan conformity report by the Planning Commission because: the vacation 1) arises out of a realignment of a certain 50' wide offer of road dedication for Tract 1939; and 2) pertains to the remainder of a larger parcel which was acquired for emergency access for fire and life safety purposes and acquired and used in part for private road purposes; and 3) is minor in nature.; and

WHEREAS, the owner of the affected property has requested vacation of the Subject Area to eliminate an encumbrance that is no longer required for public purposes; and

WHEREAS, the County Director of Public Works has recommended abandonment by Summary Vacation; and

WHEREAS, the abandonment is not subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. Seq.) because it is not a "Project" as defined by Section 15378 of the State CEQA Guidelines; and

WHEREAS, it is in the public interest that the Subject Area be vacated.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

1. That the recitals set forth above are true and correct.
2. That this Board finds, from all of the evidence submitted, that the Subject Area, more particularly described in Attachment "A" attached hereto and made a part hereof, is unnecessary for present or prospective public use.
3. That this Board has determined, pursuant to Streets and Highways Code, Section 892, that the Subject Area is not useful as a non-motorized transportation facility, as defined in Streets and Highways Code Section 887.
4. That it be and hereby is ordered that said Subject Area in the community of Arroyo Grande, County of San Luis Obispo, and more particularly described in Attachment "A" attached hereto and made a part hereof, is vacated.
5. That in support of this Board's decision to summarily vacate said Subject Area, this Board makes the following findings:
 - a. Vacation of Subject Area will not impair public or private access.
 - b. Vacation of Subject Area will not affect existing traffic circulation.
 - c. No public facilities or utilities are located within the Subject Area.
 - d. By adopting this Resolution, this Board, pursuant to California Government Code Section 65402, determined that the Subject Area is appropriate for summary vacation without a general plan conformity report by the Planning Commission because: the vacation 1) arises out of a realignment of a certain 50' wide offer of road dedication for Tract 1939; and 2) pertains to the remainder of a larger parcel which was acquired for emergency access for fire and life safety purposes and acquired and used in part for private road purposes; and 3) is minor in nature.
6. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this resolution, attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.
7. That upon such recordation, the vacation is complete.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted on the ____ day of _____, 20____.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: November 21, 2014

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

A portion of Lot 5 of Tract 2221 filed in Book 19 at Page 27 of Maps on file in the County Recorder's Office, County of San Luis Obispo, State of California more particularly described as follows;

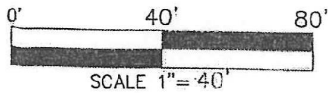
All that portion of the 50 foot wide strip of land shown as a "50' wide P.U.E. and 50' wide offer of dedication for Tract 1939" on sheet 3 of 4 of said map, lying easterly of the following described line:

Beginning at the southwesterly terminus of the line shown as N34°03'57"E 291.04' thence on the southwesterly projection of said line South 34°03'57" West to the southerly line of said Tract 2221.



Douglas A. Rion
11/19/14

OF EXISTING IMPROVEMENTS
ADJACENT TO THE WESTERLY LINE OF
LOT 5, TRACT 2221, 19/MB/27



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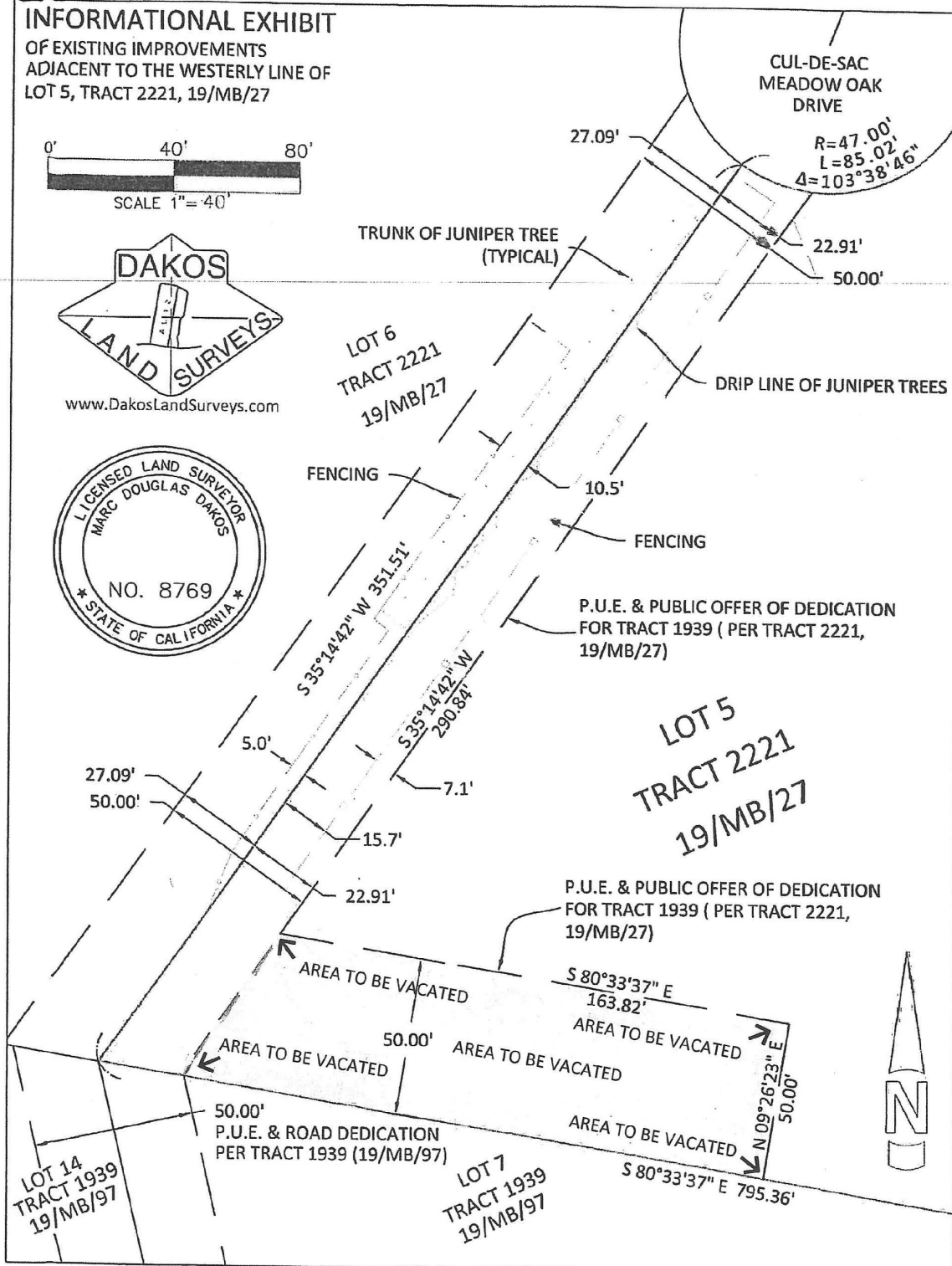


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